

10/766,953

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet (I) includes changes to Figure 5. This sheet replaces the original sheet containing Figure 5.

A "Prior Art" legend has been added to Figure 5.

REMARKS

Applicant has carefully considered the August 27, 2007 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-10 were pending in this application. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter. Claims 7-10 were allowed. In response to the Office Action dated August 27, 2007, claims 1-3 have been cancelled, dependent claims 4-6 have been amended and new dependent claim 11 has been added. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The drawing objection has been obviated with the accompanying drawing replacement sheet for Fig. 5. A "Prior Art" legend has been added to Figure 5.

Claims 1-6 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Nasu et al. (U.S. Pat. No. 6,856,475, hereinafter "Nasu"). Applicant respectfully submits that the rejection is moot. Claims 1-3 have been cancelled and the dependencies of claims 4-6 now depend ultimately from independent claim 7 which was allowed. Moreover, new dependent claim 11 depends from allowed claim 7 and is, therefore, in condition for allowance.

Applicant notes the Examiner's Statement of Reasons for Allowance included on page 4 of the Office action. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicant in the reasoning stated by the Examiner. Applicant's positions on the issues appear in Applicant's responses. *Salazar v. Procter & Gamble Co.*, 414 F.3d 1342 (Fed. Cir. 2005). The Statement of Reasons for Allowance should not be used to interpret the cited claims,

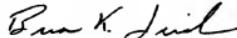
particularly to the extent if any that the Statement of Reasons for Allowance may differ from the express language of the claims and/or Applicant's positions on patentability of those claims. It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicant's prosecution of the claims, without reference to the Statement of Reasons for Allowance.

Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS:idw
Facsimile: 202.756.8087
Date: October 25, 2007

Please recognize our Customer No. 20277
as our correspondence address.